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ABSTRACT

The document focuses on five similarities that exist between the Vocational Rehabilitation Act of 1973 and the Education for All Handicapped Children Act of 1975. Explored are establishment of the severely handicapped as a priority, individualized written programs, client and/or parental involvement, required annual evaluation, and assessment and evaluation. (SBH)

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Similarities in the Education for all Handicapped Children Act of 1975 and The Vocational Rehabilitation Act of 1973

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Abstract

This article focused on five similarities that exist between the Vocational Rehabilitation Act of 1973 and the Education of all Handicapped Children Act of 1975 and why these similarities exist. The similarities explored were establishment of the severely handicapped as a priority, individualized written programs, client and/or parental involvement, required annual evaluation and assessment and evaluation.

Similarities in the Education for All Handicapped Children Act of 1975 and the Vocational Rehabilitation Act of 1973

Many similarities exist between Public Law (P.L.) 94-142, the Education of All Handicapped Children Act of 1975 (EAHCA), and Public Law (P.L.) 93-112, the Vocational Rehabilitation Act of 1973 (VRA of 1973). The similarities exist because individuals applying and receiving, or applying and being denied special education services and/or vocational rehabilitation services are faced with similar problems. Actually, both laws utilize the complaints that are found in pending and completed litigation against the systems of education. Both laws seek to remediate the problems faced by clients of both special education and vocational rehabilitation. Therefore, attention is focused on the following: (1) Establishment of the severely handicapped as a priority, (2) individualized written programs, (3) client and/or parental involvement, (4) required annual evaluation, and (5) assessment and evaluation.

Establishment of the Severely Handicapped as a Priority

Handicapped individuals have historically been excluded from receiving appropriate education and training. It has been within the past three decades that significant changes have been made to aid the handicapped with the more dramatic changes occuring since 1970. While attempts have been made to treat mildly handicapping

conditions, the services provided have not been highly organized nor have they been evaluated to determine their effectiveness. Both P.L. 94-142 and 93-112 seek to improve and expand current special education and vocational rehabilitation services by mandating that these services must be provided to all handicapped individuals, taking into account the concepts of appropriateness and long term evaluation of what was provided.

It is well recognized that in both special education and vocational rehabilitation many individuals have been excluded from the programs. For example, Helene Brown (1976) described how she had to laboriously search for a facility that would accept her child because the child was deaf, blind and mentally retarded. Brown's daughter is one of many pupils who has been excluded from public school programs as well as private residential programs. Vocational rehabilitation has similarly excluded clients. An example is Surinder Dhillon who was so severely handicapped by injuries sustained in an automobile accident that he was confined to a wheelchair at home. He was considered "unemployable" by the District of Columbia Vocational Rehabilitation Agency (Man Called Unemployable, 1976). In essence, if a vocational goal cannot be established after the evaluation, the individual is classified as ineligible or "unemployable."

Historically, vocational rehabilitation has been discriminatory in character. The first piece of vocational rehabilitation legislation provided services to veterans only (Zamir, 1969). Later P.L. 236 (1920) extended vocational rehabilitation services to citizens in general;

however, these services did not apply to the mentally retarded client. P.L. 113 (1943) extended vocational rehabilitation services to mentally retarded individuals. It is also significant to note that many individuals are victims of the assessment and evaluation procedures utilized. Some potential clients do not show enough potential for a vocational goal to be established; therefore, they are declared ineligible to receive services.

Unfortunately, the lowest functioning individuals are excluded from receiving special education and related services and vocational rehabilitation services. The promaters of Public Law 94-142 and Public Law 93-112 recognized that the most severely handicapped individuals were not being provided services; therefore, both laws mandated serving the severely handicapped as a major priority. Public Law 94-142 implies why the severely handicapped individual is a major priority:

1. There are more than eight million handicapped children in the United States today.
2. More than half of the handicapped children in the United States do not receive appropriate educational services which would enable them to have full equality of educational opportunity.
3. One million of these handicapped children in the United States are excluded entirely from the public school system and will not go through the educational process with their peers. (U.S. Congress, P.L. 94-142,

3(b), (1), (3), (4))

Public Law 93-112 also established the severely handicapped as a major priority. The reasons are as follows:

1. The failure of the basic vocational rehabilitation program to respond to particular needs of individuals with the most severe handicaps.
2. The lack of alternate services within the community to provide services to individuals with the most severe handicaps who do not at the present time have identifiable goals but who could be brought up to the point through the provision of self-help services and training.
3. The lack of special emphasis on target populations whose needs are not beign met through rehabilitation. (U.S Congress, PL 93-112, 2)

The aforementioned statements support the fact that individuals with the most severe handicaps have been excluded from receiving special education and related services and/or basic vocational rehabilitation services. Because of the facts presented, both laws have established the serving of the severely handicapped as a major priority. Public Law 94-142 specifies that before a state is eligible to receive funds:

> The state must have established priorities for providing a free and appropriate public education program to all handicapped children...first with respect to handicapped children who are not receiving an education, and second

within each disability with the most severe handicaps who are receiving an inadequate education. (U.S. Congress, 94-142, 612 (3))

Public Law 93-112 specifies that:

> The plan (State Plan) must include a description of the method to be used to expand and improve services to handicapped individuals with the most severe handicaps; and in the event that vocational rehabilitation services cannot be provided to all eligible handicapped individuals who apply for such services show (i) the order to be followed in selecting individuals to whom vocational rehabilitation services will be provided (ii) the outcome and service goals and the time within which they may be achieved for the rehabilitation of such individuals which order of selection for the provisions of vocational rehabilitation services shall be determined on the basis of serving first those with the mose severe handicaps. (U.S. Congress, P.L. 93-112, 101, (5), (A))

Public Law 93-112 also specifies that disabled federal employees as well as disabled public safety officers are eligible for services of the state. In addition, the state must not have in effect any residency requirements. It becomes very obvious that both laws, P.L. 94-142 and P.L. 93-112, place major emphasis on serving all handicapped individuals, including the most severely handicapped.

Individualized Written Program

Public Law 94-142 and Public Law 93-112 require the development of an individualized written program for each client. It is significant to note that in the past a written program was required in vocational rehabilitation (Lavor and Duncan, 1974). However, the drawback of rehabilitation's individualized written program was the lack of client (and/or parent or guardian when appropriate) involvement in the development of the individualized written program. In special education, the individualized written plan is a new and long awaited requirement. Both laws specify the minimum essential components of each plan. The components of both plans are similar with two exceptions. The special education program requires the current level of educational performance and the degree to which the child will be placed with non-handicapped children considering the least restrictive environment. It is readily recognized that these components relate specifically to education. Special education refers to its individualized written program as an Individualized Education Plan (IEP) while vocational rehabilitation refers to its as an Individualized Rehabilitation Plan (IRP). Figure One compares the two plans. Shown are the components of an Individualized Educational Program and their correlates in an Individualized Rehabilitation Program.

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Client and Parental Involvement

Both laws require that clients and parents must be involved in the development of the individualized written programs. Public Law 94-142 in its definition of an Individualized Educational Plan specifies that, "An IEP is a written statement developed by a local education agency representative, teacher, parent and child when appropriate " (U.S. Congress, P.L. 94-142). Public Law 93-112 specifies that:

> The individualized written rehabilitation program required by section 101 (a) (9) in the case of each handicapped individual is developed jointly by the vocational rehabilitation counselor or coordinator and client (or in appropriate cases, his parents or guardians. (U.S. Congress, P.L. 93-112, 102 (A))

Not only is client and parental involvement required relative to the development of individualized programs, it is required in the development of policies and procedures in both special education and vocational rehabilitation. Public Law 94-142 stipulates that:

> The state shall assure that (a) in carrying out the requirements of this section, procedures are established for consultation with individuals involved in or concerned with the education of handicapped children, including handicapped individuals and parents and guardians of handicapped children and (b) there are adequate public hearings,

and an opportunity for comment available from the general public prior to adoption of the policies, programs, and procedures required pursuant to the provisions of this section and 613. (U.S. Congress, 94-142, 612, (7) (A), (B))

Public Law 93-112 stipulates that:

> The State shall provide satisfactory assurance to the Secretary that the State Agency designated pursuant to clause (1) any sole local agency administering the plan in a political subdivision of the State will take into account, in connection with matters of general policy arising in the administration of the plan, the views of individuals and groups thereof who are recipients of vocational rehabilitation services (or in appropriate cases, their parents and guardians), working in the field of vocational rehabilitation and providers of vocational rehabilitation services. (U.S. Congress, P.L. 93-112, 101 (18))

Required Annual Evaluation

It is also significant to point out that at a minimum, an annual evaluation of the individualized programs, and an overall evaluation of all programs being provided by special education and vocational rehabilitation are required. Public Law 94-142 stipulates that:

> The State shall provide for procedures for evaluation at least annually of the effectiveness of programs in meeting the educational needs of handicapped children

(including evaluation of individualized education programs), in accordance with such criteria that the Commissioner shall prescribe pursuant to section 617. (U.S. Congress, 94-142, 613, (11))

Public Law 93-112 mandates the following in reference to overall program evaluation:

> The State must provide satisfactory assurances to the Secretary that...an annual evaluation of the effectiveness of the program in meeting the goals and priorities set forth in the plan will be done. (U.S. Congress, P.L. 93-112, 101 (19)).

Public Law 93-112 mandates the following in reference to individualized written rehabilitation programs: "Each individualized written rehabilitation program shall be reviewed on an annual basis...each such individual will be afforded an opportunity to review such program and jointly redevelop its terms" (U.S. Congress, 93-112, 101 (B)).

Assessment and Evaluation

Both laws provide requirements relative to assessment and evaluation. Public Law 94-142 is not as specific as 93-112. However, it is obvious that individuals applying for vocational rehabilitation services have had problems. If, for example, an individual applies for vocational rehabilitation services and after the evaluation a vocational goal cannot be established, that client is automatically denied services. The individual is classified

as "unemployable" (Lavors and Duncan, 1974). In special education, the opposite occurs. Too many clients, especially ethnic groups, are put into special education programs (Craig and McEachron, Note 1). Instruments are being used that are biased against minorities. Therefore, ethnic minority individuals make up the largest percentage of pupils in special classes. It is also significant to note that these pupils are classified as mentally retarded based on a single standardized test score. This discrimination is found in such cases ad Diana vs Board of Education (1970), Larry P. vs Riles (1972) and others. Public Law 94-142 seeks to ameliorate these situations. Public Law 94-142 specifies that:

> The state must have developed procedures to assure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of handicapped children will be selected and administered so as not to be racial or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communication unless it is clearly not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate educational program for a child. (U.S. Congress, P.L. 94-142, 612 (5) (C))

Public Law 93-112 defines "evaluation of rehabilitation potential" in very specific terms. Evaluation of rehabilitation potential includes the following:

A. A preliminary diagnostic study to determine that the individual has a substantial handicap to employment, and that vocational rehabilitation services are needed.

B. A diagnostic study consisting of a comprehensive evaluation of pertinent medical, psychological, vocational, educational, cultural, social and environmental factors which bear on the individual's handicap to employment and rehabilitation potential, including to the degree needed, an evaluation of the individua personality, intelligence level, educational achievement, work experience, vocational aptitude and interest, personal and social adjustment, employment opportunities and other pertinent data helpful in determining the nature and scope of the services needed.

C. An appraisal of the individual's patterns of work behavior and ability to acquire an occupational skill and to develop work attitudes, work habits, work tolerance and social and behavior patterns suitable for successful job performance, including the utilization of work, simulated or real, to assess and develop the individual's capacities to perform adequately in a work environment...(G) (i) the provision of

vocational rehabilitation services to any individual for a total period not in excess of eighteen months for the purpose of determining whether such individual is a handicapped individual, a handicapped individual for whom a vocational goal is not feasible or possible. (U.S. Congress, 93-112, 7(4))

Conclusion

The reason for the similarities in both laws is that individuals seeking special education and related services as well as vocational rehabilitation services face very similar problems. Legislators who wrote both acts seriously considered the criticisms levied against both special education and vocational rehabilitation programs and sought to incorporate language which would correct those deficits. The reasons for the similarities are Congress used pending and completed litigation, state legislation relative to the handicapped from states such as Pennsylvania, Tennessee, Massachusetts and others, and personal testimonies from clients and professionals working with the handicapped. In summary, the following similarities have been delineated: (1) All handicapped individuals must be provided appropriate special education and related services and vocational rehabilitation services. (2) Clients as well as parents and/or guardians must be involved in the development of individualized written programs, policies and procedures as well as evaluation of the overall program. (3) Both

laws require at least an annual evaluation of the individualized written program and an overall evaluation of the total program. (5) Both laws require that a comprehensive evaluation must be done on each client.

This article has explored similarities in P.L. 94-142 and P.L. 93-112 through reviewing (1) the establishment of severely handicapped as a priority, individualized written programs, client and/or parental involvement, required annual evaluation and assessment and evaluation.

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Figure Citation

Figure 1. The individualized education plan and the individualized rehabilitation plan.

Special Education	Rehabilitation
1. Annual goals and short term objectives	1. A statement of the long range rehabilitation goals for the individual and an intermediate rehabilitation objective related to the attainment of such goals
2. Specific educational services to be provided	2. Specific Vocational Rehabilitation services to be provided
3. Projected date for initiation and duration of services to be rpovided the child	3. The projected date for initiation and the anticipation duration of such services
4. Objective criteria and evaluation procedures schedule for determining whether instructional objectives are being achieved (must be reviewed at least annually)	4. Objective criteria and an evaluation procedure and schedule for determining whether such objectives and goals are being achieved (must be reviewed annually)
5. Child's present level of educational performance	5. None
6. The extent to which the child will participate in the regular classroom	6. None

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